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10 **UNITED STATES DISTRICT COURT**  
11 **DISTRICT OF NEVADA**

12 BYFORD "PETER" WHITTINGHAM, an  
individual,

13 Plaintiff,

14 vs.

15 THE STATE OF NEVADA, *ex rel.*  
16 NEVADA ATTORNEY GENERAL'S  
OFFICE, a Subdivision of the State of  
17 Nevada.

18 Defendant.

Case No. 2:20-cv-00811-GMN-EJY

**STIPULATION AND ORDER  
REGARDING EXTENSION OF  
DISPOSITIVE MOTION DEADLINE**

**[FIRST REQUEST]**

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20 Pursuant to LR IA 6-2, LR 7-1 and LR 26-3, Plaintiff BYFORD PETER  
21 WHITTINGHAM ("Plaintiff"), by and through his counsel of record, MICHAEL P.  
22 BALABAN, Esq. of the Law Offices of Michael Balaban, and Defendant, STATE OF  
23 NEVADA, *ex rel.* its NEVADA ATTORNEY GENERAL'S OFFICE ("Defendant"), by and  
24 through its attorneys of record, AARON D. FORD, Attorney General for the State of Nevada,  
25 MICHELLE DI SILVESTRO ALANIS, Supervising Senior Deputy Attorney General and  
26 GERALD L. TAN, Senior Deputy Attorney General, hereby stipulate and request that this  
27 Court extend the Monday, January 29, 2024 dispositive motion deadline to Friday, March 29,  
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2024. Additionally, the parties request that any opposition to a dispositive motion be due sixty (60) days thereafter, on or before Tuesday, May 28, 2024.

In support of this stipulation and request, the parties state that good cause exists as follows:

1. Since this Court's Order Extending Discovery and Other Deadlines (ECF No. 77) Defendant took Plaintiff's deposition and Plaintiff took three depositions of Defendant's witnesses. Additionally, Defendant propounded a second set of written discovery and Plaintiff replied to that discovery. Pursuant to this Court's Order, dispositive motions are currently due January 29, 2024.
2. The parties completed depositions with the last deposition taking place on December 20, 2023. The parties are currently awaiting the transcript from the court reporter for the December 20<sup>th</sup> deposition. Additionally, on January 1, 2024, Plaintiff provided responses to Defendant's Second Set of Interrogatories and Second Set of Requests for Production, which included Plaintiff's authorized release for medical information. Defendant's counsel will need time to review responsive documents received from Plaintiff's release as well as time to review all of the deposition transcripts, including the December 20<sup>th</sup> deposition transcript after it is received, in anticipation of the filing of a dispositive motion. Defendant's counsel will then draft Defendant's points and authorities and prepare the exhibits for its motion for summary judgment.
3. Defendant's counsel has two different administrative appeal hearings one on January 18, 2024, and another on February 14-16, 2024, for employee appeals of their respective dismissals from state service. Additionally, Defendant's counsel has other deadlines and work obligations making it difficult to complete the review of the foregoing documents and drafting of an anticipated dispositive motion.
4. Plaintiff's counsel has similar motion deadlines and work obligations and would also request additional time to review any dispositive motion and have sixty (60) days within which to respond to any dispositive motion.

This is the first request for an extension for dispositive motions. This Stipulation is made in good faith and not for purposes of delay.

**PROPOSED SCHEDULE FOR DISPOSITIVE MOTIONS**

Based on the good cause set forth above, the parties submit the following proposed modifications to the dispositive motion deadline:

Scheduled Event	Current Deadline	Proposed Deadline
Dispositive Motions	January 29, 2024	March 29, 2024 <i>Any opposition to such a motion would be due on May 28, 2024.</i>
Joint Pretrial Order	February 27, 2024	April 29, 2024 <i>(If dispositive motions are filed the deadline for filing the joint pretrial order will be suspended until 30 days after a decision on the dispositive motions or further court order).</i>

DATED this 8th day of January, 2024.

AARON D. FORD  
Attorney General

By: /s/ Michelle Di Silvestro Alanis  
Michelle Di Silvestro Alanis (Bar. No. 10024)  
Supervising Senior Deputy Attorney General  
*Attorneys for Defendants*

DATED this 8<sup>th</sup> day of January, 2024.

Law Offices of Michael P. Balaban

By: /s/ Michael P. Balaban  
Michael P. Balaban (Bar No. 9370)  
10726 Del Rudini St.  
Las Vegas, NV 89141  
*Attorneys for Plaintiff*

[Permission to sign electronically received in writing]

**ORDER**

IT IS SO ORDERED.

  
UNITED STATES [REDACTED] JUDGE

DATED: January 17, 2024